

SENATE BILL No. 500

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-1-2-121; IC 12-14-11-10.

Synopsis: Termination of utility services. Prohibits a utility from terminating service to a person who is eligible for and has applied for home energy assistance regardless of whether the person receives home energy assistance. Requires the division of family and children to accept applications and determine eligibility for home energy assistance from December 1 through March 15.

Effective: July 1, 2004.

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January 13, 2004, read first time and referred to Committee on Utility and Regulatory Affairs.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 500

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-1-2-121 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 121. (a)
3 Notwithstanding any other provision of law, from December 1 through
4 March 15 of any year, no electric or gas utility, including a municipally
5 owned, privately owned, or cooperatively owned utility, shall terminate
6 residential electric or gas service for ~~persons~~ **a person** who ~~are~~ **is**
7 eligible for and ~~have~~ **has** applied for assistance under IC 12-14-11,
8 **regardless of whether the person receives assistance under**
9 **IC 12-14-11.** The commission shall implement procedures to ensure
10 that electric or gas utility service is continued while eligibility for such
11 persons is being determined.

12 (b) Any electric or gas utility, including a municipally owned,
13 privately owned, or cooperatively owned utility, shall provide any
14 residential customer whose account is delinquent an opportunity to
15 enter into a reasonable amortization agreement with such company to
16 pay the delinquent account. Such an amortization agreement must
17 provide the customer with adequate opportunity to apply for and

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1 receive the benefits of any available public assistance program. An
 2 amortization agreement is subject to amendment on the customer's
 3 request if there is a change in the customer's financial circumstances.

4 (c) The commission may establish a reasonable rate of interest
 5 which a utility may charge on the unpaid balance of a customer's
 6 delinquent bill that may not exceed the rate established by the
 7 commission under section 34.5 of this chapter.

8 (d) The commission shall adopt rules under IC 4-22-2 to carry out
 9 the provisions of this section.

10 (e) This section does not prohibit an electric or gas utility from
 11 terminating residential utility service upon a request of a customer or
 12 under the following circumstances:

13 (1) If a condition dangerous or hazardous to life, physical safety,
 14 or property exists.

15 (2) Upon order by any court, the commission, or other duly
 16 authorized public authority.

17 (3) If fraudulent or unauthorized use of electricity or gas is
 18 detected and the utility has reasonable grounds to believe the
 19 affected customer is responsible for such use.

20 (4) If the utility's regulating or measuring equipment has been
 21 tampered with and the utility has reasonable grounds to believe
 22 that the affected customer is responsible for such tampering.

23 SECTION 2. IC 12-14-11-10 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 10. (a) An application
 25 must be made on standardized forms provided by the division and in
 26 accordance with procedures established by the division.

27 (b) **Regardless of the availability of federal financial assistance,**
 28 **the division shall accept applications and determine eligibility for**
 29 **assistance during the period that begins not later than November**
 30 **30 of a calendar year and ends not earlier than March 16 of the**
 31 **immediately following calendar year.**

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